

### **REMARKS**

This amendment is submitted in response to the Examiner's Action dated March 14, 2008. Applicants have amended Claims 1, 8-10, 14-17, and 24, and canceled Claims 4, 5, 11-13, 20 and 21. Claims 2, 3, 6, 7, 18, 19, 22 and 23 are original. Hence, Claims 1-3, 6-10, 14-19, and 22-24 remain pending for examination. Applicants have amended the claims to clarify features of the invention and overcome the claim objections and rejections. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims.

Applicants are not conceding in this application that those independent claims and their dependent claims, as originally presented, are not patentable over the art cited by the Examiner. The present claim amendments and cancellations are only for facilitating expeditious prosecution of subject matter indicated as allowable over the references. Applicants respectfully reserve the right to pursue these original claims and other claims in one or more continuations and/or divisional patent applications.

### **CLAIMS REJECTIONS UNDER 35 U.S.C. § 112**

At page 2 of the Office Action, the Examiner rejected Claims 11 and 12 under 35 U.S.C. § 112, first paragraph, as "failing to comply with the enablement requirement." The Examiner stated that "the specification lacks the corresponding structure of means for performing a hash algorithm/a module reduction transformation. More specifically, the limitation was not disclosed in the specification in a way that one skilled in the art will understand what structure (or material or acts) will perform the recited function." By this paper, Applicants have canceled Claims 11 and 12. Hence, the rejection of Claims 11 and 12 under 35 U.S.C. § 112 is now moot.

At page 3 of the Office Action, the Examiner rejected Claims 8 and 24 under 35 U.S.C. § 112, second paragraph, as "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The Examiner stated that "the term 'the same event queue' and 'the plurality of event queues' lack antecedent basis." By this paper, Applicants have amended each of Claims 8 and 24 to depend respectively from Claims 6 and 22, each of which properly provides antecedent basis for the terms "the same event queue" and "the plurality of event queues." Consequently, the rejection of Claims 8 and 24 under 35 U.S.C. § 112 is now overcome.

### **CLAIMS REJECTIONS UNDER 35 U.S.C. § 101**

At page 3 of the Office Action, the Examiner rejected Claims 9-16 under 35 U.S.C. § 101. The Examiner took the position that “the claimed invention is directed to software alone without claiming associated computer hardware for execution.” In response, Applicants have amended Claim 9 to specify that the invention is directed to a “data processing computer system for sequencing of business objects in preparation for parallel processing in application integration.” (emphasis added). The claimed data processing computer system comprises, among other things, a “data set stored in a machine readable storage medium.” Support for this feature of Claim 9 can be found at least at paragraph [0027] of the Applicants’ Specification as filed. Applicants submit that amended Claim 9 is directed to statutory subject matter. Claims 10-16 depend directly or indirectly from Claim 9. Therefore, Applicants respectfully submit that the Examiner’s rejection of Claims 9-16 under 35 U.S.C. § 101 is now overcome.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

At page 4 of the Office Action, the Examiner rejected Claims 1-3, 6-11, 14-19, and 22-24 under 35 U.S.C. § 103(a) as obvious over allegedly Applicant Admitted Prior Art (“AAPA”) and U.S. Patent Publication 2003/0144866 to Pagliari et al. (“Pagliari”). At page 6 of the Office Action, the Examiner further rejected Claims 4, 5, 12, 13, 20, and 21 under 35 U.S.C. § 103(a) as obvious over the combination of AAPA, Pagliari, and U.S. Patent 6,570,640 to Garfinkle et al. (“Garfinkle”). For the following reasons, Applicants submit that the references of record do not make obvious amended independent Claims 1, 9, and 17.

Applicants submit that to support a finding of “obviousness, the Examiner must show that each and every limitation of the claim is described or suggested by the prior art or would have been obvious based on the knowledge of those of ordinary skill in the art.” *Ex parte Newcomb*, Bd. of Pat. App. and Int. (March 31, 2008), citing *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988); see also, *CFMT, Inc. v. Yieldup Int’l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (“[O]bviousness requires a suggestion of all the elements in a claim.”).

Moreover, “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006), quoted with approval in *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007).

As amended, Claim 1 now recites a method for sequencing of business objects in preparation for parallel processing in application integration, said method comprising, among other things, the step of:

partitioning [a plurality of] data sets into a plurality of groups such that each group contains one or more data sets, wherein there are less groups than there are data sets;

wherein partitioning the data sets includes performing a modulo reduction transformation represented as:

$i = \text{abs}(k_j) \text{ modulo } n,$

where,  $i$  is the integer event queue number, and  $i = 0, 1, 2, \dots (n-1)$ ;

$k_j$  is the application number that identifies the data set, and  $j=0, 1, 2, \dots$

$(m-1)$ ;

$m$  is an integer number identifying the number of unique data sets; and

$n$  is an integer number identifying the number of event queues.

The Examiner took the position that AAPA in combination with Pagliari and Garfinkle show all of the features recited in amended Claim 1. More particularly, in addressing original Claim 4 (the features of which are now incorporated in amended Claim 1), the Examiner stated that though “AAPA as modified [by Pagliari] does not specifically teach wherein the step of portioning includes the step of performing a modulo reduction transformation on each data set[,] Garfinkle teaches using modulo reduction to choose which partition/directory to use in storing data.” The Examiner posited that it would have been obvious “to have modified the queuing and storing of data of AAPA as modified with the teaching of Garfinkle, because the teaching of Garfinkle can further enhance the data management capabilities of AAPA as modified by sorting data files into a limited number of storage locations by assigning files meeting a certain criteria (i.e., data files processed on the same day into the same directory) into the specific storage location.” Further addressing Claim 5 (the features of which are now incorporated in amended Claim 1), the Examiner conclusorily stated that Claim 5 “is rejected for the same reason as claim 4 above.”

However, nowhere does Garfinkle, singly or in combination with alleged AAPA and/or Pagliari, teach or suggest a method “wherein partitioning [a plurality of] data sets includes performing a modulo reduction transformation represented as:

$i = \text{abs}(k_j) \text{ modulo } n,$

where,  $i$  is the integer event queue number, and  $i = 0, 1, 2, \dots (n-1)$ ;

$k_j$  is the application number that identifies the data set, and  $j=0, 1, 2, \dots$

$(m-1)$ ;

$m$  is an integer number identifying the number of unique data sets; and

$n$  is an integer number identifying the number of event queues.

In relevant part, Garfinkle discusses a process that uses RAID disk partitions “for storing digital image files.” Col. 5, line 58. One step of such a process involves selecting a partition “by taking the number of partitions modulo the day of the year.” Col. 6, lines 8-9. Garfinkle states that there are “up to 365 maximum partitions.” Col. 6, line 3. Thus, Garfinkle’s mention of “modulo” merely refers to the well known modulo operator whereby an operation  $A \text{ modulo } B = C$  returns a remainder C after the division of A by B.

Consequently, Garfinkle fails to teach or suggest any specific aspect of applying a modulo operator as specified by amended Claim 1. Assuming *arguendo* that some combination of AAPA, Pagliari, and Garfinkle teach or suggest multiple queues such that there are plural “event queue[s]” to be numerically, individually identified (that is, for example, using “i”), an “application number [k<sub>j</sub>] that identifies [a] data set,” a determination of “unique data sets” to be m in number, and a determination of “event queues” to be n in number, none of the references of record, singly or combination, teach or suggest applying the modulo operator in the specific manner recited by amended Claim 1. In other words, neither Garfinkle nor the other references of record teach or suggest a modulo reduction transformation  $i = \text{abs}(k_j) \text{ modulo } n$  using the parameters as defined by Claim 1 as amended.

Moreover, in addressing the specific modulo reduction transformation feature of amended Claim 1 (as first presented in original Claim 5), the Examiner’s “articulated reasoning with some rational underpinning” for finding obviousness was presented in the terse statement that: “[a]s to claim 5, this claim is rejected for the same reason as claim 4.” Applicants respectfully submit that the Examiner’s offered rationale falls far short of the required “articulated reasoning with some rational underpinning” in so far as it fails to address with any particularity why a person of ordinary skill in the relevant technology would take Garfinkle’s simple mention of the use of a modulo operator (using RAID partitions and day of the year as parameters) and modify it to arrive at a modulo reduction transformation involving all of the parameters, and in the same configuration, as recited by amended Claim 1.

Therefore, Applicants submit that amended Claim 1 is patentable over the references of record. Claims 2, 3, and 6-8 depend directly or indirectly from Claim 1; hence, Claims 2, 3 and 6-8 are also allowable over the references of record. Independent Claims 9 and 17 recite at least some of the patentable features of amended Claim 1, and therefore, Claims 9 and 17, as well as their respective dependent claims, are also patentable over the references of record. Applicants

respectfully request that the Examiner remove the rejection of Claims 1-3, 6-8, 9-11, 14-19, and 22-24.

### **CONCLUSION**

Applicants have diligently responded to the Office Action by amending the claims to overcome 35 U.S.C. §§ 101, 103, 112 rejections, and to clarify features within specific claims. Applicants have also provided discussion/arguments which show why Applicants' claims are not anticipated by or made obvious in light of the references provided. Since the amendments and arguments overcome the outstanding objections and rejections, Applicants respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

**/Eustace P. Isidore/**

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